

## REMARKS

Claims 1, 9, 10, 12, 14-16, 18, and 20-22 have been amended to correct minor informalities. No new matter has been added.

Claims 1-5, 7-12, 14-21 and 23-24 have been improperly rejected as being allegedly obvious over U.S. Pat. App. Pub. No. 2004/0018853 to Lewis ("Lewis") in view of U.S. Pat. App. Pub. No. 2004/0249625 to Leaming ("Leaming"). Claims 6, 13, 22 and 25 have been improperly rejected as being allegedly obvious over Lewis in view of Leaming and U.S. Pat. App. Pub. No. 2003/0214780 to Oh-Yang *et al* ("Oh-Yang"). The independent claims of the present application are directed to the use of a smart card to configure and reconfigure a software defined radio (SDR) with one of several different communication schemes. Claim 1 recites *inter alia* "wherein the one of the plurality of communication schemes is selected and enabled by the processor based on information from a user's smartcard." Claim 11 recites *inter alia* "providing a smartcard containing configuration information; retrieving the configuration information from the smartcard; and, configuring the SDR based on the configuration information". Claim 16 recites *inter alia* "retrieving configuration instructions from a smartcard containing a specific configuration." Claim 19 recites *inter alia* "a smart card reader, wherein information retrieved by the smart card reader designates the respective programs for the IF section and the baseband section." Claim 24 recites *inter alia* receiving configuration information from a smart card in communication with the radio."

### PRIOR ART

Lewis is directed to a signal processor with a multimode receiver adapted to receive information relating to a plurality of service modes such as W-CDMA and GSM. Lewis discloses a subscriber identity module (SIM) card that identifies a subscriber. While Lewis discloses a configuration controller for configuring the reconfigurable logic means to support the service modes, Lewis does not receive mode selection or configuration information from the smart card. In fact in paragraph [0043] Lewis states “when an alternative mode is required, such as at system handover time or as a result of external events, the processor will reconfigure the reconfigurable logic as to be able to operate in the alternative modes”, no mention is made of configuration information being retrieved from a SIM card, nor selection of a communication scheme from information provided by the SIM card. The reconfiguration is based on external events, such as network support, available channels and network operational characteristics. Lewis even discloses testing alternative modes, prior to switching. Accordingly, Lewis does not use a SIM card to select and enable a communication scheme, to provide configuration information, to provide configuration instructions, or to designate respective programs for the IF section.

Leaming is directed to an emulator for a multi-mode smart card. Specifically, Leaming describes a smart card emulation system used to develop, test and debug new applications that may be used in a final smart card circuit (Paragraph [0006]). This emulator may be attached to a smart card adapter 23 (reader) that is part of a

host device 21 (Fig. 1). In paragraph [0018], Leaming discloses that the mode detection circuit of the *emulator* may detect the operational mode of the smart card *adapter*. This suggests that the emulator may be configured by the host device. However, Leaming fails to disclose or suggest that the host device is in any way configured by the smart card emulator. In fact, because Leaming is directed to the emulator and not the host device, it does not even discuss how the host device may be dynamically configured.

Oh Yang discloses a wireless computer peripheral interface with the capability of identification. Oh Yang further describes the function of a SIM card in paragraph [0006]: “Its major function is assuring the identification for the demand of the linkage between the mobile communication device and network”.

The SIM card described by both Lewis and Oh Yang clearly fails to meet the limitations of the smart card of the present claims. Additionally, the smart card emulator described by Leaming fails to suggest any dynamic configuration of a host device (SDR in the present claims) by a smart card.

### **Claim Rejection under 35 USC §103**

The Examiner’s reliance on the smart card emulator of Leaming to meet the limitations of the present claims is unfounded. As discussed above in the Prior Art section, Leaming fails to teach or suggest the use of configuration information from the smart card to reconfigure the SDR or to select the communication scheme as required in

the claims. Therefore Lewis in view of Leaming cannot render the claims obvious and the rejection must be withdrawn.

Oh-Yang discloses a SIM card as described previously, the SIM card of Oh Yang does not obviate the deficiencies of Lewis and Leaming with respect to Claims 1, 11, 19 and 24 from which Claims 6, 13, 22 and 25 depend. Therefore, Lewis, Leaming and Oh Yang cannot render the claims unpatentable and the rejection must be withdrawn.

### CONCLUSION

Lewis in view of Leaming and Oh Yang does not meet the limitations in the present claims and thus Lewis, Leaming and Oh Yang can not form the basis of a rejection. The Applicant submits that the claims 1-25 are in condition for allowance and request a notice to this effect.

Respectfully Submitted

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